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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,043	01/17/2002	Knit Snorre Bach Corneliussen	3842-13	1164
7590 09/28/2004 NIXON & VANDERHYE P.C. 8th Floor 1100 North Glebe Road Arlington, VA 22201			EXAMINER CHOW, MING	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,043

Applicant(s)

CORNELIUSSEN ET AL.

Examiner

Ming Chow

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because it, on page 8, contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 (line 2), 4 (line 2, 3), 6 (line 16, 18) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “said service executor” is not clearly defined. It is unclear the “said service executor” refers to “network side service executor” or “corresponding network side service executor” as claimed in claim 1.
3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “and/or” is not clearly defined.

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4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “a said media channel” is not clearly defined. It is unclear it refers to “a media channel” or “said media channel”.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “service executive element” is not clearly defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6, 14, 15, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al (US: 6363065).

For claim 1, Thornton et al teach on item 200 Fig. 1, gateway (claimed “network side service executor”) for execution of call services.

Thornton et al teach on column 18 line 18-24, a gatekeeper on a terminal (claimed “user terminal side service handler”) providing address translation and call control signaling.

Thornton et al teach on item 200 Fig. 1 gateway (claimed “corresponding network side service executors”).

Regarding claim 2, the gatekeeper of Thornton et al provides address translation and call signaling control in order to initiate a call.

Regarding claim 3, Thornton et al teach on column 5 line 29-45, column 33 line 34-50, gateways (claimed “service executor”) communicate call setup information (CallId, calling and called flags) to call handler process (claimed “signaling handler”) between themselves.

Regarding claims 4, 14, 17, Thornton et al teach on item 505 Fig 5, column 23 line 42-43, configuration manager.

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Regarding claims 5, 15, 18, Thornton et al teach on column 5 line 29-45, H.323 call setup.

Regarding claims 6, 19, all rejections as stated in claim 1 above apply.

Thornton et al teach on column 4 line 44 to column 7 line 6, measurement of QoS (claimed “exchanging originator and destination service information”) to determine (claimed “evaluating”) network quality has either increased (claimed “no service interaction problem is detected”) or decreased (claimed “a service interaction problem is detected”) to necessitate either a PSTN connection (claimed “a call setup request”) or a data network connection (claimed “indicating a service interaction problem”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al as applied to claim 6 above, and in view of Xu et al (US: 6738390).

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Thornton et al failed to teach “establishing, on basis of said call set-up request, a call having an associated media channel by said originating side signaling handler and a corresponding destination side signaling handler, and, then, exchanging media between said originating side media handler and a corresponding destination side media handler by a said media channel”. However, Xu et al teach on column 1 line 21-33, the H.323 terminals support H.245 signaling negotiation of media channel usage for call setup.

It would have been obvious to one skilled at the time the invention was made to modify Thornton et al to have the “establishing, on basis of said call set-up request, a call having an associated media channel by said originating side signaling handler and a corresponding destination side signaling handler, and, then, exchanging media between said originating side media handler and a corresponding destination side media handler by a said media channel” as taught by Xu et al such that the modified system of Thornton et al would be able to support the system users setting call by exchanging media via a media channel.

8. Claims 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al, and in view of Scott et al (US: 6760324), and further in view of Xu et al.

All rejections as stated in claims 6 above apply.

Thornton et al failed to teach “service layer path”. However, Scott et al teach on column 55 line 36-47, column 59 line 16 to column 62 line 24, service layer can be configured for call setup and for exchanging originating and destination user information. Therefore, the service layer provides a means for controlling the call setup before signaling handler and media handler are involved.

It would have been obvious to one skilled at the time the invention was made to modify Thornton et al to have the “service layer path” as taught by Scott et al such that the modified system of Thornton et al would be able to support the system users service layer for setting up calls and exchanging user information.

Thornton et al failed to teach “media layer”. However, Xu et al teach on column 1 line 21-33, the H.323 terminals support H.245 signaling negotiation of media channel usage for call setup.

It would have been obvious to one skilled at the time the invention was made to modify Thornton et al to have the “media layer” as taught by Xu et al such that the modified system of Thornton et al would be able to support the system users media layer for conveying call information.

Conclusion

9. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Kaczmarczyk et al (US: 6775269) teach method and system for routing telephone calls between a public switched telephone network and an internet protocol network.

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10. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

